REMARKS

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the position that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

The present invention discloses a scented air delivery device that introduces scented air into a moving air flow within a conduit by injecting scent through an opening in a side wall of the conduit. By injecting scent through an opening in a side wall of the conduit, scented air is delivered to a user in a device that is both compact and portable. Furthermore, a controlled combination of multiple scents can be delivered to the user in the compact and portable device of the present invention.

Figures 2-4 illustrate a first preferred embodiment of the present invention, where the means for injecting scent is movable between a first position within the conduit where scent is injected into the air flow and a second position where scent is prevented from being injected into

the air flow. As shown in Figure 2, window 50 is placed through a side opening of conduit 20 in a first position where air flow 22 picks up scent. Figure 4 shows window 50 moved to a second position where scent is prevented from entering air flow 22 (page 9, line 19 to page 10, line 3). Thus, the means for injecting scent in the first embodiment is movably insertable through the side opening of the conduit.

In a second preferred embodiment of the present invention, the means for injecting scent is composed of a plurality of consecutively placed reservoirs each having a liftable cap positioned within the conduit, and the liftable cap is movable between a first position within the conduit where scent is injected into the air flow and a second position where scent is prevented from being injected into the air flow. Figure 5 shows a plurality of consecutive scent reservoirs 74 extending through a side opening of conduit 70, each having liftable cap 78 positioned within conduit 70. Liftable cap 78 is movable between the first position where scent is injected into air flow 22 and the second position where scent is prevented from being injected into air flow 22 (page 12, line 17 to page 13, line 5).

Applicant has amended claims 1 and 5 in order to more particularly describe the first preferred embodiment of the present invention. First, claim 1 has been amended to recite that the means for injecting scent is movably insertable. Support for this amendment can be found at page 8, lines 3-5 where the side walls of the injecting means assist in insertion into the conduit. Claim 1 has also been amended to recite the location of the first and second positions of the movably insertable injecting means. Support for this amendment can be found in Figures 2-4 where the injecting means moves between the first position and the second position as described above. Claim 5 has been amended to rearrange the wording of the claim and to include reference to the first and second positions of the injecting means as a result of the amendments to claim 1. No new matter has been added to claim 5.

Applicant has added new claims 9-13 directed to the second preferred embodiment of the present invention. Claim 9 is substantially identical to claim 1, except that claim 9 recites that the means for injecting scent through the side opening of the conduit is a plurality of reservoirs each having a liftable cap consecutively

positioned within the conduit and along the side wall of the conduit, and the liftable cap moves between a first position within the conduit to inject scent into the air flow and moves to a second position to prevent scent from injecting into the air flow. Support for this amendment can be found in Figure 5 and at page 12, line 17 to page 13, line 5. Dependent claims 10 and 11 substantially mirror claims 2 and 3, except that claims 10 and 11 are dependent upon claim 9. Dependent claim 12 recites the specific location of the reservoir. Dependent claim 13 recites that the injecting means comprises a dynamic alloy wire and a coil spring used to move the liftable cap between the first position and the second position. Support for this amendment can be found at page 13, lines 1-5.

The Examiner had indicated that claims 5-8 contain allowable subject matter. Claims 1, 2 and 4 had been rejected as being anticipated by Manne. Claim 3 had been rejected as being unpatentable over Manne in view of Martin '475. Claims 1-4 had been rejected as being unpatentable over Stern in view of Martin '674. Finally, claim 2 had been objected to due to a grammatical error.

Manne had been cited to teach a scented air delivery device having a means for injecting scent into an air flow through a side opening of a conduit. Martin '475 had been cited to teach the creation of an air flow using a canister of air. Stern had been cited to teach a scented air delivery device having a means for injecting scent into an air flow through a side opening of a conduit. Martin '674 had been cited to teach a scent delivery system adapted to be worn in close proximity to the nasal cavity of a user.

A combination of Manne, Martin '475, Stern and Martin '674 does not teach or suggest the first preferred embodiment of the invention recited in claims 1-8 or the second preferred embodiment of the invention recited in claims 9-13. As discussed above, claim 1 recites that the injecting means is movably insertable through an opening in the side wall of the conduit between the first position within the conduit where scent is injected into the air flow and the second position where scent is prevented from being injected into the air flow, while claim 9 recites that the plurality of reservoirs inject scent using a liftable cap that is consecutively positioned in the conduit in the side wall of the conduit and movable between the first position within the conduit where scent is

injected into the air flow and the second position where scent is prevented from being injected into the air flow. Manne, Martin '475, Stern and Martin '674 will be discussed in turn.

Figure 1 of Manne illustrates that the supply of compressed air travels from air source 30 through air inlet hub 26 and ultimately to nasal tubing 20. Multiple valves 28 regulate the flow of compressed air through multiple fragrance holders 48 (col. 5, lines 31-33). The compressed air travels through valves 28 that are opened by a controller (col. 6, lines 24-26). Thus, Manne teaches that compressed air is divided or separated into separate travel paths, a single travel path for each scent. Fragrance holders 48 are stationary and thus multiple scents can be delivered to the user only be a splitting of the incoming compressed air stream.

Figure 10a of Manne illustrates an alternative valve embodiment where the supply of compressed air travels from air source 30 through multiple flapper outlets 164 each of which feeds a separate fragrance (col. 28, lines 23-27).

In contrast to Manne, claim 1 recites that scent is introduced using the injecting means which is movably insertable between a first position within the conduit and a second position, and claim 9 recites that scent is introduced using the liftable cap of the injecting means which is movable between the first position and the second position. The specific design of the present invention eliminates the need for the multiple valve system and the multiple travel paths of Manne, while still being capable of introducing multiple scents, since the present invention can introduce multiple scents into a single conduit (Figures 2-5 and page 11, lines 7-11). In contrast to claims 1 and 9, Manne teaches a divergence of the incoming air stream, not the movement of the injecting means and the liftable cap of the present invention.

Martin '475 and Martin '674 also do not teach the movably insertable injecting means of claim 1 and the liftable cap of claim 9. In a similar manner to Manne, Martin '475 and Martin '674 both teach the divergence of a compressed air supply into separate travel paths, a single travel path for each scent.

As shown in Figures 3 and 4 of Martin '674 and in virtually identical Figures 1 and 2 of Martin '475, compressed air travels from gas supply 82 through individual gas lines 90 toward fragrance dispenser array 92. Figure 8 of Martin '674 and Figure 3 of Martin '475 show fragrance dispenser 130 having a plurality of gas lines 136 and a plurality of dispensers 138 (col. 5, line 67 to col. 6, line 5 of Martin '674 and col. 4, lines 25-43 of Martin '475). Thus, both Martin '674 and Martin '475 teach that compressed air is diverted into separate streams to collect scent from stationary scent containers. In contrast, claims 1 and 9 recite that injecting means and the liftable cap are movable in order to inject scent into the air stream.

Stern also does not teach the movably insertable injecting means of claim 1 or the liftable cap of the injecting means of claim 9. Figure 2 of Stern shows compressor 35 delivering air along arrow 34 into an auditorium. Solenoids 38 and valves 36 are selectively activated to allow scent to be drawn into the air stream from scent containers 31. Scent containers 31 always remain stationary.

The device of Stern does not teach or suggest the compact design of the present invention achieved by using the movable injecting means of claim 1 and the liftable cap of the injecting means of claim 9. First, the scent injecting means of Stern are stationary, not movable as recited in claims 1 and 9. In addition, as discussed above, the injecting means of claim 1 and the liftable cap of claim 9 move between the first position within the conduit where scent is injected to the second position where scent is prevented from being injected. A simple and compact design is achieved by moving the injecting means and the liftable cap to a position within the conduit. Stern does not teach or suggest this compact design.

In summary, Applicant submits that none of the cited references teach or suggest the present invention taken alone or in combination for the reasons outlined above.

With regard to the objection to claim 2, Applicant has added the word "either" in accordance with the Examiner's suggestion.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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